

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:05CR381
vs.)
RICHARD D. MARASCO and)
ANGELA D. HARMS,)
Defendants.) ORDER

On March 22, 2006, the U.S. Supreme Court decided the case of *Georgia v. Randolph*, No. 04-1067, 547 U.S. ___, 2006 WL 707380 (Mar. 22, 2006), wherein the Supreme Court held that “a warrantless search of a shared dwelling for evidence over the express refusal of consent by a physically present resident cannot be justified as reasonable as to him on the basis of consent given to police by another resident.” *Georgia v. Randolph*, slip op. at 16.

Since this precise issue is before the court in the instant case concerning the search of Room 12 of the Offutt Motor Court on August 24, 2005, the court will hold a supplemental evidentiary hearing on the motions to suppress by defendants Marasco and Harms (Filing Nos. 24 and 26). At such hearing, the government shall present evidence as to what evidence was seized from the motel room and the location within the room where such evidence was seized. All parties may present such further evidence and argument as they deem appropriate in light of the decision of *Georgia v. Randolph*.

IT IS ORDERED:

A supplemental evidentiary hearing will be held on Marasco’s and Harms’ motions to suppress (Filing Nos. 24 and 26) in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, commencing at **1:00 p.m. on March 29, 2006**. Both defendants shall be present for the hearing.

DATED this 22nd day of March, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge